

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 1916 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
30/01/2004 in WP No: 2788 OF 2004 on the file of the High Court.)

Between:

B.Y.Kondalu, S/o.Chandra Naik,
R/o.Post & Village Katta Kasavaram, Mandal Nela Kondapally, Khammam Dist.

..... APPELLANT

AND

- 1 The Hon'ble Labour Court, rep. by its Presiding officer, Guntur.
- 2 The Depot Manager, APSRTC, Thiruvur Depot, Thiruvur, Krishna District.
- 3 The Deputy Chief Traffic Manager, APSRTC, Vijayawada, Krishna District.

.....RESPONDENTS

Counsel for the Appellant: MR.P.SRIDHAR RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent Nos.2 & 3: MR.VENKATESWARLU POSANI,

The Court made the following:

ORAL ORDER (PER GB,J.)

The Writ Appeal is filed against the order, dated 30.01.2004 passed by the learned single Judge in W.P.No.2788 of 2004.

2. The appellant was working as a driver in APSRTC and he was disengaged from duties with effect from 25-6-1996. Thereafter, he raised an Industrial Dispute before the Labour Court in I.D.No.47 of 1997. The Labour Court passed an award by exercising the power under Section 11-A and granted relief of reinstatement as fresh appointment as a driver. But, however, the appellant joined the duty in pursuance of the award. He did not challenge the award to the extent it went against him. After a lapse of two years the appellant challenged the said award.

3. Learned single Judge after considering this aspect held that there are clear latches on the part of the appellant and dismissed the Writ Petition. He also went into the merits of the case and found that the award of the Labour Court cannot be said to be illegal or contrary to law.

4. Learned counsel for the petitioner however, tried to convince this Court that the order is not sustainable inasmuch as the Labour Court has not gone into the merits of the case and that the appellant is entitled for reinstatement with back wages and other attendant benefits.

5. We are afraid we cannot accept the contentions. At the threshold the appellant is not entitled for any relief inasmuch as there are clear and unexplained latches on his part in approaching the Labour Court.

6. Under those circumstances, we do not find any merit in the Writ Appeal and is liable to be dismissed.

7. Accordingly, the Writ Appeal is dismissed. No costs.

(G. BIKSHAPATHY, J.)

(P.S. NARAYANA, J.)

Date: 02-12-2004

ES

To

- 1 The Presiding Officer, Hon'ble Labour Court, Guntur.
- 2 The Depot Manager, APSRTC, Thiruvur Depot, Thiruvur, Krishna District.
- 3 The Deputy Chief Traffic Manager, APSRTC, Vijayawada, Krishna District.

4 2 CCs to the G.P. for Labour, High Court of A.P., Hyderabad (OUT).

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